IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

RP. No. 379 of 2006(P)

AGAINST THE JUDGEMENT/ORDER IN OP.27024/2000
Dated 13/02/2006
.....

PETITIONERS/RESPONDENTS IN OP:
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1. **UNION OF INDIA, REP. BY SECRETARY, MINISTRY OF DEFENCE, NEW DELHI.**

2. **CHIEF OF ARMY STAFF, SENA BHAVAN, ARMY HEADQUARTERS, NEW DELHI.**

3. **RECORD OFFICER, SIGNAL ABHILEKH KARYALAYA, POST BAG NO.5, JABALPUR-M.P., PIN-482 001.**

BY ADV. SRI. P.R. RADHAKRISHNAN, CGSC

RESPONDENT/ PETITIONER IN OP:

K. VENUGOPAL, SERVICE NO.14209637-L
NORTH KAITHKULANGARA HOUSE, MULLACKAL WARD, ALAPPUZHA-10.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH, J.

C.M. Appl. NO. 1572 OF 2006
&
R.P. NO. 379 OF 2006 IN
O.P. NO. 27024 OF 2000

Dated this the 5th day of October, 2007.

O R D E R

This is a petition to condone the delay of 100 days in filing the review petition. Admittedly, the review petition ought to have been filed on or before 03.04.2006.

2. It is stated in the affidavit that Annexure A2 produced along with the review petition had to be got corrected showing that the discharge is under Army Rule 13(3)III (iv) which has been received only in April 2006. Thus, admittedly, the review petition is sought to be filed based on a document - a vital document according to the review petitioners, obtained after the judgment. That subsequent event is not a ground for review.

It is for the review petitioners, if so advised, to pursue their grievance in a properly constituted appeal. Without prejudice to such liberty, the delay petition is dismissed. Consequently, the review petition also is dismissed.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

C.M. Appl. 1572 OF 2006
&
R.P. NO. 379 OF 2006

O R D E R

05.10.2007